



OFFICE OF THE
BOARD OF APPEALS
TOWN OF DUNSTABLE
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Approved
October 25, 2012

Yezzi Variance Hearing
October 11, 2012

Members Present: Ted Gaudette, Acting Chairperson
John Martin, Clerk
Judy Thompson, Associate Member
Lisa O'Connell, Acting Secretary and Member

Members Absent: Leo Tometich, Chairperson
Josh West, Member
Al Horton, Associate Member
Gerald Mead, Associate Member

Petitioners Present: Domenick and Karen Yezzi, 4 Creekwood Cove, N. Little Rock, AR

This meeting's intent was to file a formal decision with the Town Clerk regarding the application of Domenick Yezzi of 4 Creekwood Cove, N. Little Rock, AR owner of the property located at 145 Off Pond Street, Dunstable, MA for a variance from the dimensional requirements of the Dunstable Zoning By-laws, Sections 4.3, 4.4 and 11.1, to construct an open-air carport within the twenty (20) foot setbacks.

Acting Chairperson Ted Gaudette called the meeting to order and opened the hearing at 7:00 p.m. He read the hearing notice and the certified parties in interest for the record. He asked the petitioner to present his case.

Dominick Yezzi stated that he would like to build a 20'x20' open air wooden carport within the required 20 foot setbacks. The layout of the property prohibits the building from being placed elsewhere on the land. There is big dip in the front of the property, and the septic and a large tree are located behind the house.

John Martin asked what the thickness of the foundation pad would be.

Mr. Yezzi said it would be a 4" pad.

Judy Thompson noted a carport on the adjacent property and asked how far away it was from the Yezzi's property and how long had it been there.

Mr. Yezzi said it was right on the property line and has been there for 20 years.

Karen Yezzi said there are two carports right on the fence dividing the properties.

Ted Gaudette referenced section 4.2 of the Dunstable Zoning By-laws saying any alterations or new construction could not increase the non-conformity of the structures or property.

Judy Thompson asked if they could fill in the dip.

Mr. Yezzi said it would be a hardship because it would cost more than the carport itself.

John Martin asked when the carport would be built.

Mr. Yezzi said next spring, before May when the sap drips from the trees onto the cars. It is ruining the cars.

Lisa O'Connell asked how big the structure would be.

Mr. Yezzi said 20'x20' and it would slope with the land from front to back.

Judy Thompson referenced Section 10 of Chapter 40A of the MGL stating that in this case, a variance could be granted if the board found a hardship on the land and it was not more detrimental to the neighborhood.

John Martin motioned to vote whether the new carport would be not more or more detrimental to the neighborhood. Judy Thompson seconded the motion and the roll was called.

Judy Thompson – not more detrimental

John Martin – not more detrimental

Ted Gaudette - not more detrimental

Lisa O'Connell - not more detrimental

Ted Gaudette said the motion carried.

John Martin motioned to vote to grant or deny the variance. Judy Thompson seconded the motion and the roll was called.

Judy Thompson – to grant

John Martin – to grant

Ted Gaudette – to grant

Lisa O'Connell – to grant

The motion carried.

Ted Gaudette explained the procedures going forward to the petitioners.

John Martin motioned to close the hearing. Judy Thompson seconded the motion and all were in favor. The hearing was closed at 7:15 pm.